

State of California  
Regional Water Quality Control Board  
North Coast Region

EXECUTIVE OFFICER'S SUMMARY REPORT  
1:00 p.m., Tuesday, December 2, 2003  
River Lodge Conference Center  
1800 Riverwalk Drive  
Fortuna, CA 95540

ITEM: 8

SUBJECT: Procedure for admitting late comments on agenda items

DISCUSSION:

On November 5, during our Regional Board meeting, the Board Members requested that a policy for public comments be developed.

The language included in the Board's agenda for December 2003 is quoted below:

Comments on individual agenda items are welcome. A set of draft materials for each agenda item that will be considered by the Regional Water Board is mailed to each person on the interested parties list. If you wish to be added to our interested parties list for a specific agenda item, please contact the staff person listed with the item in this agenda notice.

For comments on an agenda item to be considered by the Regional Water Board, they must be submitted on or before the due date listed in the associated hearing notice, which is mailed to interested parties. Timely submittal of comments gives the Regional Water Board staff and the Regional Water Board members sufficient time to familiarize themselves with your concerns and for staff to address them.

The Regional Water Board may refuse to accept written comments submitted after the due date in the applicable hearing notice. Pursuant to Title 23, California Code of Regulations, Section 648.2, the Regional Water Board may refuse to admit written testimony into evidence if it is not submitted to the Regional Water Board in a timely manner, unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would create an unreasonable hardship.

Staff proposes to modify that language by inserting the procedures now used by the Central Valley Regional Board. The language clearly announces in the published agenda that late material will only be accepted in unusual circumstances.

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Comments received by the noticed deadline will be included in the administrative record before the Regional Water Board. Staff may provide responses to comments. Written testimony or comments or evidence submitted after the noticed deadline will not be accepted and will not be incorporated into the administrative record. Exceptions to this rule may be granted at the discretion of the Board Chair, for example, where a party demonstrates that application of the rule would create severe hardship, or where doing so would not prejudice any party. Written materials or other documents submitted at the Regional Water Board meeting must be provided first to the Regional Water Board counsel who will advise the Regional Water Board regarding acceptance into the record.

**PRELIMINARY STAFF  
RECOMMENDATION:**

Direct staff to insert the proposed language in future notices and agendas.